

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OKLAHOMA

**FILED**

APR 25 2007

Phil Lombardi, Clerk  
U.S. DISTRICT COURT

TERESA MOLINA,

Plaintiff,

v.

HELMERICH & PAYNE, INC.

Defendant.

Case Number:

**07CV 238 TCK-PJC**

COMPLAINT

The Plaintiff, by and through her attorney, J. Derek Ingle of Ryan, Bisher & Ryan, in her complaint against the Defendant Helmerich & Payne, Inc. states and alleges the following:

**I. JURISDICTION AND VENUE**

1. This Court has jurisdiction of the claim herein pursuant to 28 U.S.C. §§1331 and 1343(4). This civil action arises under the Constitution and laws of the United States. Plaintiff is alleging a violation of her rights under the Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §2000e et seq. and the Civil Rights Act of 1991. This court has supplemental jurisdiction over Plaintiff's state law claims pursuant to 28 U.S.C. §1367.

2. Venue herein is proper under 28 U.S.C. §1391(b) and 42 U.S.C. §2000e-5(f)(3). Defendant is a corporation doing business in the State of Oklahoma, and the alleged unlawful acts were committed within the State of Oklahoma, in the Northern District thereof.

**II. PARTIES**

3. Plaintiff, Teresa Molina, is a citizen of the United States, and is a resident of the State of Oklahoma.

*Rec'd  
4/25/07*

4. Defendant Helmerich & Payne, Inc. is a corporation with operations in the Northern District of Oklahoma. At all times pertinent hereto, Defendant Helmerich & Payne, Inc. has been engaged in an industry affecting commerce.

### III. PROCEDURAL REQUIREMENTS

5. Ms. Molina filed a charge of discrimination with the Oklahoma Human Rights Commission ("OHRC"). Such charge was filed within three hundred (300) days after the alleged unlawful employment practice occurred.

- a. On September 25, 2006, Counsel for Ms. Molina sent a fax letter to the OHRC requesting a Right to Sue Notice. A copy of this fax letter along with the fax confirmation is attached hereto as Exhibit "A."
- b. On October 31, 2006, Counsel for Ms. Molina sent another fax letter to the OHRC requesting a Right to Sue Notice. A copy of this fax letter along with the fax confirmation is attached hereto as Exhibit "B."
- c. On November 14, 2006, the OHRC sent Counsel for Ms. Molina a letter which states as follows:

*The Oklahoma Human Rights Commission closed this case as a No Reasonable Cause on September 28, 2006, and transferred it to the Equal Employment Opportunity Commission ... **The EEOC will issue a Notice of Right to Sue upon its closure of this case.***

A copy of this letter is attached hereto as Exhibit "C." This letter states that the EEOC **will issue** a Notice of Right to Sue. Obviously, from the language of this letter, the implication is that there has not yet been a Notice of Right to Sue issued.

- d. On January 23, 2007, Counsel for Ms. Molina called the EEOC to inquire about the status of the Notice of Right to Sue. Specifically, Counsel spoke with Joe Wilson in the St. Louis office. During this conversation, Mr. Wilson stated that the Notice of Right to Sue was issued by the EEOC back on October 18, 2006. This was the first time Counsel for Ms. Molina heard that a Notice of Right to Sue had supposedly been issued. Further, since the Notice of Right to Sue had supposedly been issued, Counsel had sent the October 31, 2006 fax letter to the OHRC (Ex. B), and the OHRC had sent Counsel the November 14, 2006 letter stating that the EEOC will issue a Notice of Right to Sue (Ex. C).
- e. On January 25, 2006, Mr. Wilson of the EEOC sent Counsel for Ms. Molina a letter. This letter is attached as Exhibit "D." In this letter, Mr. Wilson states as follows:

*A review of our records shows that a Dismissal and Notice of Rights concerning the above referenced charge was issued on October 18, 2006. **Our records indicate that a copy of the Dismissal and Notice of Rights was not previously sent to you** ... Our records do not reflect whether or not Ms. Molina did previously receive this document. Your lawsuit must be filed in federal court within 90 days of your receipt of the right to sue notice. ... Your 90 day time period begins with your receipt of the right to sue notice. We cannot re-issue a right to sue once a right to sue has been issued. Enclosed is a copy of the right to sue document previously issued concerning the above referenced charge of discrimination. You should take this letter with you to federal district court along with the right to sue to substantiate your claims with regards to your receipt of a right to sue.*

Mr. Ingle notified the OHRC that he was representing Ms. Molina back on September 25, 2006. However, the EEOC, by its own admission, failed to send the Notice of Rights to Mr. Ingle on October 18, 2006. Mr. Ingle first received the Notice of Rights on January 29, 2007 when he received Mr. Wilson's letter (Ex. D).

- f. This case is being filed less than 90 days after the receipt of the Notice of Rights on January 29, 2007.

#### **IV. CLAIMS FOR RELIEF**

6. Ms. Molina began her employment with Helmerich & Payne, Inc. approximately 18 years ago.

7. In September 2004, Ms. Molina informed the Defendant that she was pregnant. Within one-week after informing her employer, Ms. Molina was promptly terminated by the Defendant.

8. Defendant unlawfully discriminated against Ms. Molina by terminating her and retaliated against her for reporting her pregnancy.

9. The acts of Defendant, its agents, and employees were carried out willfully and with a reckless disregard for the rights of Ms. Molina and thereby subject Defendant to claims for actual, compensatory and punitive damages in the amount in excess of One Hundred Thousand Dollars (\$100,000.00) as well as reasonable attorney fees and costs. Plaintiff is also making a claim for all State law damages set forth in the case of Saint v. Data Exchange, 145 P.3d 1037 (Okla. 2006) including reasonable attorney fees and costs.

WHEREFORE, Ms. Molina demands judgment in her favor against Defendant for equitable and legal relief, including actual, compensatory, emotional distress, non-economic and

punitive damages in the amount in excess of ONE HUNDRED THOUSAND DOLLARS (\$100,000.00), plus attorney fees and costs.

Respectfully submitted,

s/J. Derek Ingle

J. Derek Ingle, OBA #16509

RYAN BISHOP RYAN

1516 South Boston Avenue, Suite 210

Tulsa, Oklahoma 74119

(918) 627-4567

(918) 627-5196 Facsimile

Attorney for Plaintiff

Philip D. Ryan  
Rick W. Bisher  
Michael W. Phillips  
Nathan E. Barnard  
Charles T. Simons  
John D. Valentine  
J. Derek Ingle  
David Hood  
John K.F. Langford



**RYAN BISHER RYAN**

*Attorneys at Law*

1516 South Boston, Suite 210

Tulsa, Oklahoma 74119

Phone: 918-627-4567 • Fax: 918-627-5196

Toll Free: 1-877-410-1234

[www.rbrlawfirm.com](http://www.rbrlawfirm.com)

Additional Office:

4323 Northwest 63rd

Suite 110

Oklahoma City, Oklahoma 73116

Phone: 405-528-4567

Fax: 405-525-2123

1-800-725-2222

Of Counsel:

Patrick C. Ryan

**COPY**

September 25, 2006

Laura Donaldson  
Human Rights Representative I  
State of Oklahoma Human Rights Commission  
440 South Houston, Room 302  
Tulsa, Oklahoma 74127-8910

*Via facsimile to: (918)581-2940*

Re: *Teresa Molina v. Helmerich & Payne, Inc.*  
OHRC #: 152-A5E

Dear Ms. Donaldson:

I am the attorney for Teresa Molina. My records indicate that this matter has been pending before the Oklahoma Human Rights Commission for over a year. My client has asked me to request a Right to Sue Letter so that she may proceed with filing suit against her former employer. Should you have any questions and/or comments, please do not hesitate to contact me.

Very truly yours,

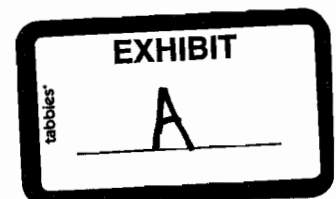
A handwritten signature in black ink, appearing to read 'J. Derek Ingle'. The signature is fluid and cursive.

J. Derek Ingle

For the firm

JDI:eam

cc: Teresa Molina



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\*\*\* TX REPORT \*\*\*  
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TRANSMISSION OK

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Philip D. Ryan  
Rick W. Bisher  
Michael W. Phillips  
Nathan E. Barnard  
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Human Rights Representative I  
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J. Derek Ingle  
For the firm



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Fax: 405-525-2123

1-800-725-2222

Of Counsel:

Patrick C. Ryan

October 31, 2006

Sent via facsimile to: (405)522-3635

**COPY**

Mr. Ken Kendrick  
480 Jim Thorpe Building  
2101 North Lincoln Blvd.  
Oklahoma City, Oklahoma 73105

Re: TERESA MOLINA v. HELMERICH & PAYNE, INC.  
Oklahoma Human Rights Commission No.: 152-A5E

Dear Mr. Kendrick:

I am the attorney for Ms. Molina. This case has been pending before the Oklahoma Human Rights Commission for some time. I am requesting a Right to Sue letter be issued so that I may file this matter with the court. Should you have any questions and/or comments, please do not hesitate to contact me.

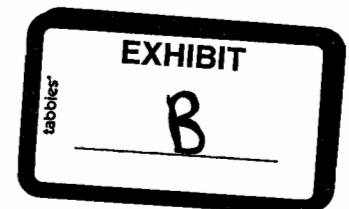
Very truly yours,

A handwritten signature in black ink, appearing to read 'J. Derek Ingle'. The signature is fluid and cursive, with a large loop at the end.

J. Derek Ingle  
For the firm

JDI:rlc

CC: Teresa Molina  
3010 S. Joplin Place  
Tulsa, Oklahoma 74114





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\*\*\* TX REPORT \*\*\*  
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TRANSMISSION OK

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Philip D. Ryan  
Rick W. Bisher  
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Of Counsel:

Patrick C. Ryan

October 31, 2006

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480 Jim Thorpe Building  
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Oklahoma City, Oklahoma 73105

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Oklahoma Human Rights Commission No.: 152-A5E

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J. Derek Ingle  
For the firm

JDI:rlc



*Brad Henry*  
Governor

*State of Oklahoma*  
**HUMAN RIGHTS COMMISSION**

*Kenneth R. Kendricks*  
Executive Director

November 14, 2006

**COPY**

J Derek Ingle  
Attorney At Law  
1516 South Boston  
Suite 210  
Tulsa, Oklahoma 74119

Re: Teresa Molina v. Helmerich & Payne, Inc.  
OHRC #152-A5W

Dear Mr. Ingle:

The Oklahoma Human Rights Commission closed this case as a No Reasonable Cause on September 28, 2006, and transferred it to the U.S. Equal Employment Opportunity Commission (EEOC), St. Louis District Office, Robert A. Young Building, 1222 Spruce Street, Room 8100, St. Louis, MO 63103. The EEOC will issue a Notice of Right to Sue upon its closure of this case.

If you have further questions about the Notice of Rights to Sue, you may contact Joseph Wilson at the EEOC. Mr. Wilson's telephone number is 314-539-7816.

Sincerely,

*Kenneth R. Kendricks*  
Kenneth R. Kendricks, Esq.  
Executive Director





**U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION**  
**St. Louis District Office**

Robert A. Young Building  
1222 Spruce Street, Room 8.100  
St. Louis, MO 63103  
(314) 539-7800  
TTY (314) 539-7803  
FAX (314) 539-7893

January 25, 2007

J. Derick Ingle  
Ryan Bisher Ryan  
1516 South Boston, Suite 210  
Tulsa, OK 74119

Re: Charge No. 31B-2005-00166  
Teresa Molina vs. Helmerich & Payne, Inc.

Dear Mr. Ingle:

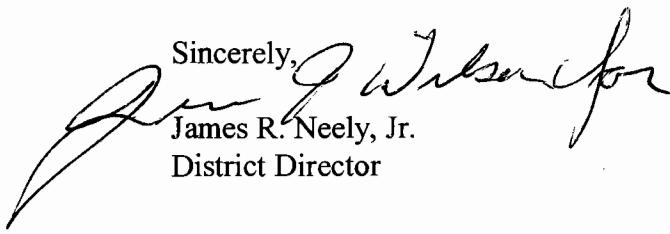
Enclosed is a copy of the information you requested.

A review of our records shows that a **Dismissal and Notice of Rights** concerning the above referenced charge was issued on October 18, 2006. Our records indicate that a copy of the Dismissal and Notice of Rights was not previously sent to you, though it was sent to your client, Ms. Molina. Our records do not reflect whether or not Ms. Molina did previously receive this document.

Your lawsuit must be filed in federal court within 90 days of your receipt of the right to sue notice. Otherwise, your right to sue based on this charge will be lost (The time limit for filing suit based on a state claim may be different). Your 90 day time period begins with your receipt of the right to sue notice.

We cannot re-issue a right to sue once a right to sue has been issued. Enclosed is a copy of the right to sue document previously issued concerning the above referenced charge of discrimination. You should take this letter with you to federal district court along with the right to sue to substantiate your claims with regards to your receipt of a right to sue.

If you have questions or require additional information, you may contact Mr. Joseph Wilson at 314-539-7816.

Sincerely,  
  
James R. Neely, Jr.  
District Director

cc: Teresa Molina  
3010 South Joplin Place  
Tulsa, OK 74114

**EXHIBIT**

**D**

tabbies